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August 15, 1995

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\* ADMITTED IN PENNSYLVANIA ONLY

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 15 1995

**BY HAND DELIVERY**

The Honorable Edward Luton  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Room 225  
Washington, DC 20554

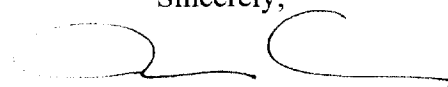
Re: American Cablesystems of Florida, Ltd., d/b/a Continental  
Cablevision of Broward County and Continental Cablevision  
of Jacksonville, Inc. v. Florida Power & Light Company  
PA 91-0012

Dear Judge Luton:

The parties have been able to reach a settlement of the entire case which would remove FP&L's interest in further appeals.

I am therefore filing a Motion to Vacate; and a Motion to Defer Briefing and Pre-Hearing Dates.

Sincerely,



Paul Glist

Enclosure(s)

No. of Copies rec'd  
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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**In the Matter of**

**American Cablesystems of Florida, Ltd.,  
d/b/a Continental Cablevision  
of Broward County and Continental  
Cablevision of Jacksonville, Inc.,**

**Complainants**

**v.**

**Florida Power & Light Company**

**Respondent**

**CC DOCKET NO. 95-95**

**PA 91-0012**

**DOCKET FILE COPY ORIGINAL**

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**TO: The Honorable Edward Luton  
Administrative Law Judge**

**MOTION TO VACATE**

The parties have entered into the attached Settlement Agreement and jointly request that the Hearing Designation Order be vacated and the pleadings relating thereto be dismissed.

08/15/95

09:07

12024520193

12024520193 COLE RAYWID BRAVERMAN

745 P05

AUG 15 '95 09:58

Respectfully submitted,

American Cablesystems of Florida, Ltd., d/b/a  
Continental Cablevision of Broward County  
Continental Cablevision of Jacksonville, Inc.

By:



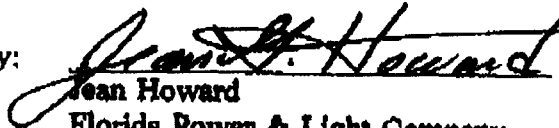
Paul Glist

COLE, RAYWID & BRAVERMAN, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, D.C. 20006

Its Attorney

Florida Power & Light Company

By:



Jean Howard

Florida Power & Light Company  
P. O. Box 029100  
Miami, FL 33102-9100

Its Attorney for

August 15th, 1995

31479.1

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	<b>CC DOCKET NO. 95-95</b>
	)	
<b>American Cablesystems of Florida, Ltd.,</b>	)	
<b>d/b/a Continental Cablevision</b>	)	
<b>of Broward County and Continental</b>	)	
<b>Cablevision of Jacksonville, Inc.,</b>	)	
	)	
<b>Complainants</b>	)	<b>PA 91-0012</b>
	)	
<b>v.</b>	)	
	)	
<b>Florida Power &amp; Light Company</b>	)	
	)	
<b>Respondent</b>	)	
	)	

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**SETTLEMENT AGREEMENT**

This settlement agreement is made and entered into as of July 1, 1995, by and between American Cablesystems of Florida, Ltd., d/b/a Continental Cablevision of Broward County and Continental Cablevision of Jacksonville, Inc., (collectively, "Complainants") and Florida Power & Light (FP&L) Company who are parties to the Pole Attachment Complaint now pending before the Federal Communications Commission ("FCC") as CC Docket No. 95-95, P91-0012 .

In consideration of the mutual covenants contained herein, and other good and valuable consideration, the parties agree as follows:

1. Complainants execute this agreement for themselves, their successors, assignees and anyone or any entity claiming through them for Complainants' claims asserted

in this case. This agreement does not affect present or future claims by Complainants, their predecessors, successors, assignees, subsidiaries or affiliates which concern matters other than concerning FP&L pole attachment rates for 1991 through the end of this agreement.

2. FP&L executes this agreement for itself, its successors, assignees, and anyone or any entity claiming through it.

3. This agreement does not affect the present or future participation of any of the parties hereto in rulemaking or other similar non-complaint proceedings related to the Act.

4. In full and final settlement of Complainants' claims concerning FP&L's pole attachment rates at issue in this case, the parties agree as follows:

- a. FP&L's rate of \$6.38 will apply from 7/1/95-7/1/97, unless (1) the rate it calculates routinely for cable pole attachments next year is less (in which case the lower rate shall apply) or (2) an FCC rulemaking changes the formula (in which case this provision in ¶4a shall terminate at the option of either party).
- b. Each of the complainants' respective Licensing Agreement for Pole Attachments (the "License Agreements") shall be deemed amended without the necessity of (1) signing any further amendments to such agreement or (2) any written notices.
- c. The parties will jointly file a motion to vacate the hearing designation order in this case.

- d. FP&L agrees to refund to Complainant \$ 27,822.86 within thirty (30) days after an order vacating the hearing designation order.

All of the foregoing is conditioned on an order vacating the hearing designation order.

5. Neither Complainants nor FP&L will file any pole attachment complaint with the FCC with respect to the pole attachment rates agreed upon above.

6. The parties agree that this agreement is a compromise settlement of disputed claims and that this agreement will not be construed as an admission of liability by either party. This agreement shall not provide third parties with any remedy, claim, liability or other right.

7. This agreement contains the entire agreement between the parties with respect to the matters described herein, and all prior agreements, oral or written presentations, statements, understanding, proposals, and undertakings with respect to such matters are superseded and replaced by the provisions of this agreement. This agreement cannot be modified or terminated except by a written document executed by all parties hereto.

8. This agreement may be executed in counterparts.

IN WITNESS THEREOF, the parties hereby execute this agreement effective as of the date first written above.

08/15/95

09:08

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12024520193 COLE RAYWID BRAVERMAN

745 P09

AUG 15 '95 09:59

American Cablesystems of Florida, Ltd., d/b/a  
Continental Cablevision of Broward County  
Continental Cablevision of Jacksonville, Inc.

By:

  
Paul Glist

COLE, RAYWID & BRAVERMAN, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, D.C. 20006

Its Attorney

Florida Power & Light Company

By:

  
Jean Howard

Florida Power & Light Company  
P. O. Box 029100  
Miami, FL 33102-9100

Its Attorney

August 15, 1995

31474.1

**CERTIFICATE OF SERVICE**

I, Julie P. Gordy, a legal secretary with the firm of Cole, Raywid & Braverman, L.L.P., do hereby certify that a copy of the foregoing was sent via first-class, postage pre-paid, United States mail, this 15th day of August, 1995 to the following:

Hon. Edward Luton\*  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W. Room 225  
Washington, DC 20554

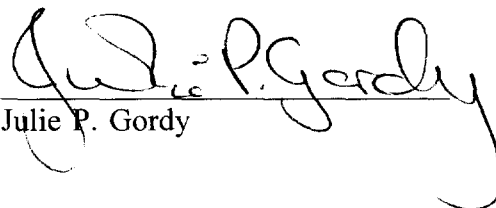
Jean Howard  
Florida Power & Light Company  
P. O. Box 029100  
Miami, FL 33102-9100

John Hays\*  
Accounting & Audits Division  
Federal Communications Commission  
2000 L Street, N.W.  
Room 249  
Washington, D.C. 20554

John Giusti\*  
Accounting & Audits Division  
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Washington, D.C. 20554

Shirley S. Fujimoto  
Kris Anne Montieth  
McDermott, Will & Emery  
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Suite 500  
Washington, DC 20005

\* By Hand Delivery

  
Julie P. Gordy



**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	<b>CC DOCKET NO. 95-95</b>
	)	
<b>American Cablesystems of Florida, Ltd.,</b>	)	
<b>d/b/a Continental Cablevision</b>	)	
<b>of Broward County and Continental</b>	)	
<b>Cablevision of Jacksonville, Inc.,</b>	)	
	)	
<b>Complainants</b>	)	<b>PA 91-0012</b>
	)	
<b>v.</b>	)	
	)	
<b>Florida Power &amp; Light Company</b>	)	
	)	
<b>Respondent</b>	)	
	)	

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**TO: The Honorable Edward Luton  
Administrative Law Judge**

**MOTION TO DEFER BRIEFING AND PRE-HEARING DATES**

The HDO and the Judge's Order of June 23, 1995, established specific procedures for the filing and exchange of information in this case, in order to simplify the process and to promote settlement. The parties have pursued that process and have reached settlement, the terms of which are now pending before the Bureau and the judge. Complainants hereby request that the briefing and pre-hearing date be deferred pending entry of an Order based upon the settlement.

08/15/95

09:09

12024520193

12024520193 COLE RAYWID BRAVERMAN

745 P12

AUG 15 '95 10:00

Respectfully submitted,

American Cablesystems of Florida, Ltd., d/b/a  
Continental Cablevision of Broward County  
Continental Cablevision of Jacksonville, Inc.

By: 

Paul Glist  
COLE, RAYWID & BRAVERMAN, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, D.C. 20006

Its Attorney

Florida Power & Light Company

By: 

Jean Howard  
Florida Power & Light Company  
P. O. Box 029100  
Miami, FL 33102-9100

Its Attorney for

August 15, 1995

31216.1

**CERTIFICATE OF SERVICE**

I, Julie P. Gordy, a legal secretary with the firm of Cole, Raywid & Braverman, L.L.P., do hereby certify that a copy of the foregoing was sent via first-class, postage pre-paid, United States mail, this 15h day of August, 1995 to the following:

Hon. Edward Luton\*  
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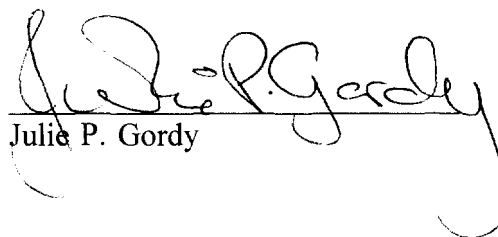
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McDermott, Will & Emery  
1850 K Street, N.W.  
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Washington, DC 20005

\* By Hand Delivery

  
Julie P. Gordy